

CASE No. _____

IN THE UNITED STATES SUPREME COURT

OFFICE OF THE CLERK

WASHINGTON, DC 20543-0001

DAVID LOUIS WHITEHEAD,

PETITIONER,

v.

US COURT OF APPEALS FOR NINTH CIRCUIT
CASE NUMBER 19-55905

US DISTRICT COURT FOR CENTRAL DISTRICT OF
CALIFORNIA CASE NUMBER 2:19-CV-05500

NETFLIX, INC., et al.

RESPONDENTS,

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED SUPREME COURT



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QUESTIONS

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Questions presented for Supreme Court

- Whether Circuit Court improperly denied petitioner's motion for injunctive relief (Unseal FBI Report) filed in this case.
- Whether Circuit Court wrongly decided not to reconsideration to Unseal Federal Evidence (FBI Report).
- Whether Circuit Court wrongly denied Petitioner's motions to unseal Federal Investigation (FBI) ordered by Department of Justice Criminal Chief in the Western District of Louisiana.
- Whether Circuit Court Judges having pecuniary and other conflicts of interest adversely ruled denying the Petitioner's Injunctive Relief Request.
- Whether Judges having conflicts pecuniary interest, prior knowledge of bias should recuse (disqualify) themselves from petitioner's cases.
- Whether Judges having conflicts pecuniary interest should recuse from decision to unseal federal investigation pertaining to petitioner's cases.
- Whether Judges associated with the federal investigation should recuse themselves from the petitioner's cases.
- Whether Supreme Court having conflicts of interest (Judicial Bias) against petitioner can refer the case to the Congress of the United States.

PARTIES TO PROCEEDINGS AND RULE 29.6 STATEMENT

PETITIONER IN THIS COURT, IS DAVID LOUIS WHITEHEAD;

**RESPONDENTS IN THIS COURT, DEFENDANT-RESPONDENTS
ARE**

**NETFLIX, INC., JOHN DOES, 1-10; MARVEL ENTERTAINMENT LLC; WALT
DISNEY COMPANY; VIACOM; MARVEL STUDIOS LLC; BUENA VISTA HOME
ENTERTAINMENT, INC; PARAMOUNT PICTURES, INC.; SONY HOME
ENTERTAINMENT, INC.; MGM, INC.; LIONSGATES HOME
ENTERTAINMENT; COMCAST; CBS, INC; JP MORGAN; BANK OF AMERICA;
VERIZON COMMUNICATIONS, INC.; CIRQUE DU SOLEIL; AMAZON STUDIO;
AMAZON BOOKS; DOES, UNNAMED RANDOM HOUSE PUBLISHER,
UNNAMED COLONY CAPITAL; UNNAMED DEWAYNE WICKHAM; UNNAMED
TYLER PERRY; UNNAMED TOM CRUISE AND PAULA WAGNER; JOHN DOES
1-15.**

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• THE COURTS OF APPEALS HAVE NOT BEEN CONSISTENT ON DECISIONS REGARDING WHETHER JUDGES CAN PRESIDE ON CASES HAVING PECUNIARY INTEREST AND JUDICIAL BIAS, REQUIRING DISQUALIFICATION. THE COURT HAS CASE PRECENDENCE WHICH REQUIRES DISQUALIFICATION OF THE DISTRICT COURT JUDGE, BUT FAILED TO ORDER HIS RECUSAL DISQUALIFICATION HAVING PECUNIARY INTEREST. Further, Magistrate Judge was employed for opposing counsel.	

- Disqualification: Section 455(b) A. Personal Bias, Prejudice, or Knowledge: Section 455(b)(1) Subsection 455(b)(1) requires a judge to disqualify himself “[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.” The standard for determining disqualification is “whether a reasonable person would be convinced the judge was biased.” “Recusal under Section 455(b)(1) is required only if actual bias or prejudice is proved by compelling evidence.”

IV

TABLES OF AUTHORITIES

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- 28 U.S.C. SECTION 455 (a) states:
 - (1) Any Justice, Judge or Magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned..... 7
- Title 28 U.S.C. Section 455 (b) (4) pertains to pecuniary and financial interest requires disqualification,..... 12, 13, 14, 18, 19, 20, 28
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- **Amendment Fifth, United States Constitution in pertinent part provides:**

No person shall be deprived of life, liberty, or property, without due process of law.

- **Amendment Thirteenth, United States Constitution in pertinent part provides :**
- Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
- **Amendment Fourteenth, Section 1, | United States Constitution in pertinent part provides:**
 - No State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- Litigants have mandatory constitutional rights to appear before unbiased jurists who should remain impartial to the parties in fact and law involving cases. See in re: Murchison, 349 U.S. 133 (1955); Tumey v. State of Ohio, 273 U.S. 510, 532 (1927); Ohralik v. Ohio State Bar Assn, 436 U.S. 447, 462-68 (1978); Offutt v. United States, 348 U.S. 11, 14, 1954; Aetna Life Insurance Company v. Lavoie, 475 U.S. 813 (1986). Dred Scott v. Sandford 60 U.S. 393, reversed via 13th and 14th amendments, Plessy v. Ferguson, 163, U.S. 537 (1986), and Brown v. Board of Education, of Topeka, 347 U.S. 483.

VI

Opinions below

- * Appendix A, USCA 9th Circuit decision on October 21, 2019
- * Appendix B, USCA 9th Circuit decision on ...March 12, 2020
- * Appendix C, USDC Central District of California decision on...7/19/2019
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1

Jurisdiction

This Court has jurisdiction under 28 U.S.C. Section 1254 (1) as amended.

IFP and Cost of litigation in lower courts

Petitioner paid all cost of the litigation. Fully paid.

Statement & History of case for judicial review

The Petitioner's case was improperly transferred from State of Texas to California. Two (2) Presiding Federal Judges in Texas failed to rule on their recusals. Recusal motions timely filed by petitioner. See Whitehead v. Netflix, et al., 2:18-cv-460 E.D., Texas, Doc. No. 111.

On June 24, 2019, Magistrate Judge Thomas Paine issued an order transferring case from Eastern District of Texas, to Central District of California. The court failed to rule on his recusal, and Judge failed to rule on his recusal, pending in Texas court. On June 24, 2019, Judge Christina Snyder and Magistrate Judge Charles Eick was assigned petitioner's case as Doc. No. 122, page ID # 3497.

On June 26, 2019, Judge Snyder, immediately recused herself, however, Magistrate Eick did not. Petitioner's case was reassigned from Judge Snyder to Judge Robert G. Klausner. See docket number Doc. # 128, page ID 3503.

On June 27, 2019, Judge Klausner recused himself from case, reassigned to Judge John F. Walter. See Doc # 128, page ID 3504. Judge Walter issued a Standing order. Doc # 129 and Pro Se order Doc. 130. See page ID # 3526. Further, noting that Judge Klausner, in previous case, issued sanction order against petitioner. The court had same financial conflicts of interest, however, the court failed to recuse himself in re: David L. Whitehead v. Millennium Films, 15-CV-3564-RGK(AGR). Judge Klausner recused himself in the petitioner above captioned case, but failed to recuse himself in petitioner above previous case, having same pecuniary interest conflicts in Hollywood studios, including Verizon and Verizon Fios. The Court's act allows petitioner to refile his claims and related claims pursuant to Supreme Court case in re: United States v. Beggerly, 524 U.S. 38, 46, 118 S.Ct. 1862, 141 L.Ed.2d 32 (1998) (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244, 64 S.Ct. 997, 88 L.Ed. 1250 (1944). Also see Appling v. State Farm Mut. Auto Ins, Co, 340 F.3d 769, 780 (9th Cir. 2003) United States v. Beggerly, 524 U.S. 38, 46, 118 S.Ct. 1862, 141 L.Ed.2d 32 (1998) (quoting Hazel-Atlas Glass Co. v.

Hartford-Empire Co., 322 U.S. 238, 244, 64 S.Ct. 997, 88 L.Ed. 1250 (1944). On July 2, 2019, Attorney Emily F. Evitt of law firm Mitchell Silberberg & KNUPP LLP (MSK LLP) entered her appearance for respondents. Doc. # 131. On, July 8, 2019, Judge Charles Eick recused himself from the case. See docket number 138, page ID #3577. On July 9, 2019, petitioner mailed his Emergency Notice of Appeal Writ of Mandamus to the District Court and Parties. On July 19, 2019, Judge Walter dismissed the case. See Doc. #144, page ID # 3593. On July 30, 2019, Judge Walter struck serious pleadings pertaining to his disqualification in related case. Optimum Productions, et al., v. HOME BOX OFFICE, et al. No.2:19-cv-01862. Judge Walter also struck Magistrate Eick's recusal, which points to abuse of discretion and obstruction of justice, tied to Court's pecuniary interest. 28 U.S.C. Section 455 a, b1, b4. See Order Document No. 146 filed in the district court.

Reasons for Granting Petition

District Court Judge and Magistrate Judge Mandatory Disqualification

[General Statement: Judge holds pecuniary interest in AT&T tied to Home Box Office, DirectTV and Respondents. Magistrate Judge is associated with opposing counsel. 28 U. S.C. Section 455 a, b1, b2, b3, b4].

During reassessments of petitioner's case from judge to judge, and later recusal of Magistrate Judge Eick, petitioner learned that Judge Walter recused himself in district court case in re: Optimum Productions, et al., v. HOME BOX OFFICE, et al. No.2:19-cv-01862, filed March 20, 2019, page 1 of 1, Doc. 10, page ID #267, holding AT&T financial stock interest. This action required the court's disqualification in petitioner's case tied to AT&T associates. For instance, AT&T is the parent company for Home Box Office, DirecTV and other studios, named by petitioner in his amended complaints and motion for leave to amend his Fourth Amended Complaint. These associations with the court pecuniary interest requires his disqualification pursuant to the federal statutes. . 28 U.S.C. Section a, b1, b4.

Magistrate Judge Eick is also disqualified. Magistrate Eick was employed with Mitchell Silberberg & KNUPP LLP (MSK LLP), opposing counsel, Emily Evitt of MSK LLP. As grounds for his recusal, the court stated in his recusal order having a continuing friendship with partner of MSK LLP, Attorney Karin Pagnanelli. However, Magistrate Eick failed to state in his recusal order that his friend at MSK LLP, Attorney Karin Pagnanelli was his former law clerk. This omission is critical to disqualification and fraud on the court in this action. Liljeberg v. Health Svcs. Acq. Corp., 486 U.S. 847 (1988), 28 U.S.C. Section 455, a, b1, b2, b3, b4; Pesnell v. Arsenault, 543 F.3d 1038, 1043 (9th Cir. 2008) (denial of motion for recusal reviewed for abuse of discretion). The court's acts violates the federal statutes and laws, requiring the high court to reverse Ninth Circuit and District Court's rulings, relating to disqualification of the lower court Judge and Magistrate Judge.

Judge Walter in civil action in re: Optimum Productions, et al., v. HOME BOX OFFICE, et al, 2:19-cv-01862, filed March 20, 2019, page 1 of 1, Doc. 10, page ID #267, recused himself, admitting to holding AT&T financial interest associated with respondents sued by petitioner. Judge Walter failed to recuse in petitioner's case. In addition, the court failed to rule on Petitioner's motion for leave to amend Fourth Amended Complaint naming AT&T's subsidiary Home Box Office, violating federal statutes. 28 U.S.C. Section a, b1, b4. See Rule 15 (a)1, (2).

Petitioner's case is associated with same respondents in which Judge Walter recused himself involving AT&T's subsidiaries, HOME BOX OFFICE, WARNER BROTHERS, DirecTV clients, and Comcast. 28 U.S.C. Section 455 a, b1, b4. The court's recusal in related case, in re: Optimum Productions, et al., v. HOME BOX OFFICE compels the court to recuse in petitioner's case against same defendants, even if petitioner attempted to amend complaint to name the same defendant, Home Box Office of AT&T. Both related cases pertains to Judge Walter pecuniary interest AT&T, DirecTV, HOME BOX OFFICE and clients, requiring his disqualification. See Accord Stringer v. United States, 233 F.2d 947, 948 (9th Cir. 1956).

Judge Walter struck Petitioner's motion for leave to amend his Fourth Amended Complaint naming AT&T associates connected to the court's pecuniary interest in AT&T, DirecTV and clients, including Home Box Office and others. Also see Foman v. Davis, 371 U.S. 178 (1962). For instance, on Pro se motion for leave to amend complaint, the Ninth Circuit ruled, "*before dismissing a pro se complaint the district court must provide the litigant with notice of the deficiencies in his complaint in order to ensure that the litigant uses the opportunity to amend effectively.*" Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992) (citing Noll v. Carlson, 809 F.2d 1446,

1448-49 (9th Cir. 1987), superseded on other grounds by statute as stated in Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000)) (en banc). A district court should not dismiss a pro se complaint without leave to amend unless “*it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.*” Schucker v. Rockwood, 846 F.2d 1202, 1203-04 (9th Cir. 1988)(per curiam) (internal quotation marks omitted).” Petitioner’s fourth amended complaint cited Independent action for fraud on the court pertaining to Judge Klausner’s conflicts. See US V. BEGGERLY, 524 U.S. 38 (1998).

Judge Walter erred and abused his discretion failing to rule on petitioner’s motion for leave to amend his fourth amended complaint curing the deficiencies.

Petitioner’s motion for leave to amend his Fourth amended complaint establish RICO Conspiracy and other claims for relief, to move forward. See *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); Plaintiff’s claims crosses the threshold to move forward, deserving discovery, citing Conley v. Gibson, 1957; Bracey v. Gramley, No. 9606133, 6/9/1997, 520 U.S. 899, 1997); 18 U.S.C. Section 1962, 1963, 1964 as amended; 18 U.S.C. Section 371.

The Court improperly relied on Judge Robert G. Klausner’s Prefiling Order, to prevent petitioner from moving forward during discovery phase of the case. David L. Whitehead v. Millennium Films, 15-CV-3564. Judge Klausner held pecuniary interest in Verizon and Verizon Fios, tied to Hollywood studios, sanctioning petitioner, which involves fraud on the court, and allows petitioner to proceed on said fraud on the court. Toscano, 441 F.2d at 934 quoting *England v. Doyle*, 281 F.2d 304, 309 (9th Cir. 1960); US v. Beggerly, 1998. In addition, this action involves opposing counsel Linda Burrow, who clerked for Judge Stephen V. Wilson. Judge Wilson participated on the petitioner case before Judge Klausner. 28 U.S.C. Section 455 a, b1, b4. Also see Ariz v. Murphy Weir & Butler, 210 F.3d 983, 988 (9th Cir. 2000) (" holding that when the firm representing a party hires the law clerk of the

presiding judge, the judge must make sure the law clerk of the presiding judge cease further involvement in the case."). In short, it is incomprehensible for Court to issue a vexatious litigant order, when Judge Klausner issued sanction order is associated with the court's pecuniary interest in Verizon and Verizon FIOS tied to the Hollywood studios, pointing to obvious fraud on the court. Judge Walter improperly relied upon on Judge Klausner's vexatious litigant decision against petitioner. This case involves fraud on top of fraud, preventing petitioner from having access to the courts, like in Dred Scott case.

The court's acts and decisions against petitioner violates the 5th, 13th and 14th amendments of the US Constitution, requiring petition should be granted. Also see Fed. 60 (b), 60 (b3) and 60 (b) (6).

5

Trashing Petitioner's Pleading Mail (July 9, 2019) to District Court to prevent District court Judge from ruling on Judge's recusal via Notice of Appeal

ON JULY 9, 2019, Petitioner mailed his pleading to the court and parties entitled Emergency Notice of Appeal (writ of mandamus- for interlocutory judicial review). See Cement Antitrust, 673 F.2d at 1025. PETITIONER's emergency PLEADING Writ of Mandamus WAS PROPERLY MAILED TO THE COURT AND RESPONDENTS, VIA US POSTAL MAIL, WITH ONE OF RESPONDENT'S ATTORNEY, IN RESPONSE, SENT PETITIONER AN EMAIL, STATING MAKE SURE THAT HIS OFFICE IS MAILED A COPY, SUGGESTING ONLY ONE OF THE OPPOSING COUNSELS RECEIVED THE PLEADING: Mitchell Silberberg & KNUPP LLP (MSK LLP). IN ANY EVENT, all parties and court, WERE MAILED COPIES OF THE July 9, 2019, PLEADING (Emergency NOTICE OF APPEAL- WRIT OF MANDAMUS) INTERLOCUTORY, IN NATURE. The 9th Circuit created a Mandamus and Appeal from one Notice to the Circuit Court.

District Court trashed petitioner's pleading. The court failed to file and transmit petitioner's July 9, 2019 pleading to Circuit Court, for judicial review, relating to the Judge's recusal. The trashing of petitioner's pleading by District Court and Judge prompt petitioner to mail a Second Emergency Notice of Appeal Writ of Mandamus in late July 2019, directly to Ninth Circuit Court for judicial review.

The reasons for district court trashing petitioner's July 9, 2019, Emergency Notice of Appeal for Writ of Mandamus, Judge Walter held pecuniary interest in the petitioner's litigation associated with AT&T, parent company for DirecTV, Home Box Office and clients.

ON JULY 19, 2019, JUDGE WALTER DISMISSED THE CASE WITHOUT RULING ON HIS RECUSAL HAVING FINANCIAL INTEREST IN AT&T ASSOCIATED WITH RESPONDENTS VIOLATING THE FEDERAL STATUTES AND LAW. AT&T IS PARENT COMPANY FOR DIRECTV, HOME BOX OFFICE, Warner Brothers, ASSOCIATED WITH Walt Disney and other RESPONDENTS, sued by petitioner. 28 U.S.C. Section 455 a, b1, b4. Further, the court failed to rule on petitioner's fourth amended complaint, naming AT&T subsidiaries HBO and Warner Brothers, tied to DirecTV, and clients, without any objections from respondents. Bowden v. U.S. 176, F3d. 552 DC Cir. 1999 ("Alternative motions to dismiss and for summary judgement are not responsive pleadings and therefore do not nullify Plaintiff's right to amend." The court denied relief due to the court's pecuniary interest in AT&T, DirecTV, Home Box Office and clients. 28 U.S.C SECTION 455 a, b1, b4. See Friedman v. AARP, Inc, 855 F.3d 1047, 1051 (9th Cir. 2017) (denial of motion for recusal reviewed for leave to amend, reconsideration, vexation litigant and abuse of discretion; Kerr, 836 F. 3d 1048, 1053 (9th Cir. 2016).

On July 30, 2019, Judge Walter issued a dismissal order and restriction order, striking pleadings from the record, including his conflicts and Magistrate Eick's recusal. See Doc. 146, pages 25 of 36. These restrictions also involved related recusal order of Judge Walter, in re: an admission that court holds 2019 AT&T financial stocks associated DirecTV, HBO and other studios tied to petitioner's case.

Included in the court's restriction order, Petitioner's motion for leave to amend his fourth amended complaint naming the same defendant HOME BOX OFFICE.28 U.S.C. Section 455 a, b1, b4. Rule 15 (a) (1) (2); See Shaver v. Operating Engineers Local 428 Pension Trust Fund, 332 F.3d 1198 9th Cir. 2003) ("motion to dismiss no responsive pleading, thus plaintiff retained "absolute right to amend complaint", also see, Bowden v. U.S., 176 F.3d 552 DC Cir. 1999) ("Alternative motions to dismiss and for summary judgment are not responsive pleadings and therefore do not nullify plaintiff's right to amend"). Judge Walter was compelled by American law and statutes to rule on petitioner's motion for leave to amend his fourth amended complaint. See Forman v. Davis, 371 U.S. 178 (1962).

Judge Walter struck Magistrate Judge Eick's recusal order, in which petitioner views as leaving Magistrate Eick part to case, requiring disqualification of all judges involved. Magistrate Eick was employed for Mitchell Silberberg & KNUPP LLP (MSK LLP), opposing counsel in case. Magistrate Judge had a duty to recuse himself relating to MSK LLP, opposing counsel Evitt in case. See Liljeberg v. Health Svcs. Acq. Corp., 486 U.S. 847 (1988); 28 U.S.C. Section 455 a, b1, b2,b3, b4; Preston v. U.S. 923 F.2d 731; Also see Gordon v. Reliant Energy, Inc, 141 F. supp. 2D 1041 (S.D. Cal. 2001) (relying on Tramonte v. Chrysler Corp, 136 F.3D, 1025, 1029-30 (5TH Cir. 1998); Appling v. State Farm Mut. Auto Ins, Co, 340 F.3d 769, 780 (9th Cir. 2003) (quoting In re US v. Beggerly, 524 U.S. 38, 46 118 S. Ct. 1862, 141 L. Ed.2d 32 (1998) (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244 64 S. Ct. 997, 88 L. Ed 1250 (1944).

Magistrate Judge Eick was a former partner of Mitchell Silberberg & KNUPP LLP (MSK LLP) associated with opposing counsel Emily Evitt, and therefore, recusal was appropriate, but filed untimely. Magistrate Eick should have recused himself immediately, when Chief Judge Snyder recused herself. According to the court docket records, Judge Snyder recused herself on June 26, 2019, and Magistrate Eick recused himself on July 8, 2019. Opposing counsel Emily Evitt of MSK LLP entered her appearance on July 2, 2019. After Attorney Evitt entered her appearance on

July 2, 2019, Magistrate Judge Eick had a mandatory duty to disqualify himself and/or opposing counsel Evitt of MSK LLP, prior to July 8, 2019. The court's act is misconduct relating to MSK LLP Attorney Evitt in this case. See Liljeberg v. Health Services Acquisition Corp, 486 U.S. 847, 108 S. Ct. 2194, 100 L. Ed. 2d 855 (1988); 28 U.S.C. Section 455 a, b1, b2, b3, b4; Preston v. U.S. 923. F.2d 731 (9th Cir. 1991).

6

The Ninth Circuit Court rulings was wrongly decided relating to the District Court Judge and his disqualifications involved in this case. Further, Circuit Court panel of 5 jurists ruling in this action involved conflicts, judicial bias and prejudice. The court failed to review Magistrate recusal matter as well. 28 U.S.C. Section 455 a, b1, b4; See legal arguments below on (5) panel Circuit Judges bias and judicial conflicts as follows:

- a. **Circuit Judge Richard Anthony Paez.** The court was recommended by Senator Barbara Boxer for the bench. Senator Boxer's daughter married Hillary Clinton's brother. Both Bill and Hillary Clinton possibly are named in the FBI report. Judge Paez ruling adverse against petitioner pertains to judicial bias. See 28 U.S.C. Section 455 a, b1.
- b. **Circuit Judge Jacqueline Nguyen.** The court's father was an Intelligence Officer for the Government of Vietnam, working with CIA, during the war. Petitioner is a former CIA Intelligence Officer.

CIA is involved in this case, whereas, the 1996 movie Mission: Impossible was filmed at CIA headquarters, where petitioner's manuscript was reviewed by CIA Publication Review Board. Mission Impossible is highly likely part to FBI probe relating to petitioner's copyrighted book on his life at CIA, sold by Amazon Books without compensation to petitioner. The Circuit Court's adverse ruling against petitioner pertains to judicial bias. See 28 U.S.C. Section 455 a, b1.

In addition, petitioner sent a letter to US Attorney Office in Los Angeles, discussing Judges Friedman and Norma Holloway Johnson. It is highly likely that Judge Nguyen had prior knowledge of this case, employed in office of US Attorney Central District of California, violating the statutes. See Liteky v. US, 510 U.S. 540 (1994). The court was nominated by President Barrack Obama. Mr. Obama is employed for respondent NETFLIX, providing UNDUE Influence. Both Obamas are tied to FBI probe, with serious possibilities that former First Lady Michelle Obama who also works for Netflix, brought allegedly \$10 million through Barksdale Air Force Base, Louisiana, Western District of Louisiana, during petitioner's litigation against her legal representatives Williams and Connolly LLP, prompting FBI referral by DOJ Criminal Chief Mary J. Mudrick in the Western District of Louisiana. See Ty Inc v. Softbelly'sInc, 517 F.3d 494, 498 (7th Circuit. 2008).

c. **Circuit Judge Andrew Hurwitz.** The court ruled in "Randolph", understanding that judges couldn't preside on federal bench, as partners or "Of Counsel" with law firms or hold pecuniary interest. However, the court demonstrated serious judicial bias against petitioner. The court ruled in Lloyd v. CVB Fin. Corp, 811 F.3d 1200 (9th Cir. 2016), that Federal Investigation can be used as grounds for causation. However, the court, in contrast, ruled against petitioner, denying same relief. This matter involves disparate treatment compelling relief for petitioner, to unseal FBI probe. 28 U.S.C. 455 a, b1. See Judge Hurwitz's 2018 financial disclosure report which shows massive pecuniary of interest, pending review of the court's 2019 financial report. Exhibit 3.

d. Circuit Judge Johnnie B. Rawlinson's conflicts involved the pecuniary interest of her husband's employment. 3c1c. Judge Rawlinson's financial interest is associated with her spouse's employment in Las Vegas, working for one of the defendant-respondents. 28 U.S.C. Section 455 a, b1, b4, b5 i, ii, iii, 3c1c

e. Circuit Judge Barry G. Silverman holds pecuniary interest in the litigation. Circuit Judge Silverman 2018 financial disclosure statement show that the court held pecuniary interest associated with this litigation. 28 U.S.C. Section 455 a, b1, b4.

f. The Supreme Court's conflicts as follows:

* Justice Brett M. Kavanaugh presided on the subject associated with Judge Paul L. Friedman and Williams and Connolly LLP. Judge Kavanaugh also was employed with opposing counsel Williams and Connolly LLP.

* Justice Elena Kagan was employed for opposing counsel Williams and Connolly LLP in matters associated with Judge Friedman and FBI's probe.

* Chief Justice John G. Roberts recused himself 3 times in petitioner's Supreme Court cases.

* Justice Kavanaugh was employed at Harvard University where Justice Kagan was Dean of Harvard's law school.

* Williams and Connolly LLP is opposing counsel in petitioner's cases before Judge Friedman. Whitehead v. Paramount Pictures, et al., 96cv2436, and Whitehead v. Columbia Pictures Industries, Paramount Pictures, et al., 98cv2938, The Circuit Appeals numbers before Judge Kavanaugh were 08-8010, Whitehead v. Paramount Pictures, et al, 08-8015 Whitehead v. CBS/Viacom, et al, and 08-8016 Whitehead v. FCC, FEC, Judge Friedman Walt Disney, et al. Further noting that case number 08-8015 Whitehead v. CBS/Viacom Inc, et al, involved Chief Justice Roberts former law firm Hogan and Hartson LLP, as opposing counsel before Judge Richard Roberts.

In short, three of the Supreme Court's justices associated with the Government's investigation affords the high court discretion to refer the case to the Congress of the United States for review and vote, to unseal the FBI's

probe. Nearly 150 judges are involved with this investigation. 18 U.S.C. Section 1962 as amended.

**Mandamus should have been Granted earlier in
case Whitehead v. USDC Los Angeles, 19-71906 before Judges
Nguyen, Hurwitz and Paez**

“The Writ of Mandamus is a drastic and extraordinary remedy reserved for really extraordinary causes.” In re Van Dusen, 654 F.3d 838, 840 (9th Cir. 2011) (quoting Ex parte Fahey, 332 U.S. 258, 259–60 (1947)) (internal quotation marks omitted). “[O]nly exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion will justify the invocation of this extraordinary remedy.” Cheney v. U.S. Dist. Ct., 542 U.S. 367, 380 (2004) (internal quotation marks and citations omitted). In IN RE UNITED STATES OF AMERICA considering whether to grant a Writ of Mandamus, we are guided by the five factors identified in Bauman v. U.S. Dist. Ct., 557 F.2d 650 (9th Cir. 1977): (1) whether the petitioner has no other means, such as a direct appeal, to obtain the desired relief; (2) whether the petitioner will be damaged or prejudiced in any way not correctable on appeal; (3) whether the district court’s order is clearly erroneous as a matter of law; (4) whether the district court’s order is an often repeated error or manifests a persistent disregard of the federal rules; and (5) whether the district court’s order raises new and important problems or issues of first impression. Perry v. Schwarzenegger, 591 F.3d 1147, 1156 (9th Cir. 2010) (citing Bauman, 557 F.2d at 654–55). “All factors are not relevant in every case and the factors may point in different directions in any one case.” Christensen v. U.S. Dist. Ct., 844 F.2d 694, 697 (9th Cir. 1988). Here, petitioner argues multiple conflicts of interest requiring judicial disqualification, including pecuniary interest and ties to opposing counsel via Magistrate Judge Eick. See In re Cement and Concrete Antitrust Litigation, 515 F.Supp. 1076, 1079 (D.Ariz.1981).

The Court Denied Injunctive Relief Unsealing FBI Report during Discovery Phase of the Case in District Court and Before 9th Circuit Court Denial to Unseal FBI's Report in conflict of Interest involving Circuit Judges Nguyen, Hurwitz and Paez, Rawlinson, Silverman and En Banc Panel.

The District Court Judge and FIVE Circuit Judges and 9th Circuit enbanc panel denied petitioner's motion to unseal federal investigation involving FBI's report on alleged stolen and/or copyright infringement of the petitioner's copyrights.

Judge Walter failed to rule on discovery motion of petitioner, and the court failed to to unseal the Government's Investigation (FBI), relating to alleged massive thief of petitioner's copyrights, unopposed by counsel. Opposing counsel, early on, did not oppose the motion to unseal, but referred the matter to the court's discretion, and therefore, in short, the motion to unseal was basically unopposed, during discovery phase of the case. Judge Walter having pecuniary interest. The court failed to rule on the petitioner's pending unopposed motion to unseal the investigation. The motion to unseal should have been granted during discovery phase of the case. One of the Circuit Judge panelists, in the Mandamus case, Judge Andrew Hurwitz had previously ruled in another case allowing Federal evidence to be obtain through injunctive relief. See Lloyd v. CVB Fin. Corp, 811 F.3d 1200 (9th Cir. 2016) ("This decision represents the first time a federal circuit court expressly held that the public disclosure of an SEC investigation can form the basis of a viable loss causation theory, if the defendant also made a subsequent corrective disclosure.")

Before the court, US Department of Justice Attorney Criminal Chief for the Western District of Louisiana, Attorney Mary J. Mudrick referred the matter to FBI for investigation, requiring unsealing FBI report on the alleged copyright theft of the petitioner's copyrights, if any, were infringed or stolen by respondents.

Respondents and their counsels did not respond to petitioner's motion to unseal FBI report at the lower and/or circuit level involved in his appeal before the 9th Circuit Court, leaving the matter for discretion of the court. Bracey v. Gramley, No. 9606133, 6/9/1997, 520 U.S. 899, 1997).

Timeline and Case law for Injunctive Relief:

- Department of Justice Criminal Chief Mary J. Mudrick of the Western District of Louisiana referred the case to FBI on April 9, 2012.

FBI Public Corruption Fraud Chief in New Orleans sent petitioner two (2) letters relating to DOJ-Ms. Mudrick's criminal referral. Petitioner believes and assert that FBI report involving his copyright claims would establish a meritorious claim for relief, even in part disclose the alleged copyright thief, and/ or unseal judicial corruption in camera. Public interest doctrine requires unsealing FBI report due to fact that Government's report in this matter would show a likelihood of succeed in petitioner's favor. See Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008). Moreover, the serious misconduct involving the judges and parties should be in petitioner's favor pursuant to case law governing public corruption and misconduct discussed in 9th Circuit Court case in re: Randolph Wolfson, v. Colleen Concannon Louis Frank Dominguez, et al., No. 11-17634. The "Randolph" order makes it extremely clear that federal judges are prohibited to be partners with law firms, while serving on the federal bench. According to Ninth Circuit order on Judicial Ethics, a judge can only be a partner with his family member.

To engage in an organizational wide family and law firm association tied to LLC, is CRIMINAL. For instance, Judge Paul L. Friedman dismissed 11 of petitioner's cases as a General Partner with White & Case LLP associated with Wallpark LLC and his spouse, other spouses and associates. This act affords the court serious discretion to unseal the federal investigation, even in part, relating to stolen property allegations.

Another federal judge--Judge P.K. Holmes presided on petitioner's case Whitehead v. Clinton, Bush and Obama, et al, 11cv-4031, WD, Ark. 2011 as "Of Counsel" with his law firm Warner, Smith & Harris PLC. See Whitehead v. Clinton, Bush and Obama, et al., 11cv-4031, WD. Ark. See Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008), grounds for injunctive relief: Petitioner must show that irreparable injury is "likely" in the absence of an injunction. Petitioner can show likelihood of success on the merits through FBI report. The merits of petitioner's claim warrants relief, based on the possibilities that FBI probe will show that his property was infringed and massively stolen by respondents. Further, unsealing FBI will definitely show that Judge Dee D. Drell filed a false statement in Whitehead v. Parish of Caddo, et al., 17-CR-306, WD. LA, relating to his failed recusal in re: Whitehead v. Netflix, et al., 17-cv-225, WD. LA. Judge Drell stated in Caddo Parish order that he did not own so-called Hollywood financial interest, nor lender's interest. Judge Drell's 2017 financial disclosure statement clearly shows the court owns financial interest in Walt Disney, Apple Inc (Apple TV) tied to Netflix. Further, the court's records show that he owns 2017 Capital One bank financial interest tied to Hollywood studios. In short, the court committed horrific fraud with his false statement, to advert his recusal. See United States v. Beggerly, 524 U.S. 38, 46, 118 S. Ct. 1842, 141 L. Ed. 2d 32 (1998) (quoting Hazel-Atlas Glass Co. v. Harford-Empire Co, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed. 1250 (1944); Rule 60 b, 60 (B 3), 60 (b6). Also see General Universal Systems Inc v. Lee, 379, F.3d 13, 156 (5th Cir. 2004); Hesling v. CSx Transp. Inc, 396 F.3d 632, 641 (5th Cir. 2005).

Petitioner's motion to transfer to Louisiana is pending in the case file, where Judge Drell's fraud occurred. Judge Walters had a duty to review having hearings on that transfer motion. The Supreme Court has "justified the 'historic power of equity to set aside fraudulently begotten judgments' on the basis that 'tampering with the administration of justice... involves far more

than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public'." In re Levander, 180 F.3d 1114, 1118 (9th Cir. 1999) (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed. 1250 (1944), The Ninth Circuit has repeatedly emphasized that "[e]xceptions which would allow final decisions to be reconsidered must be construed narrowly in order to preserve the finality of judgments." Abatti v. Comm'r of the I.R., 859 F.2d 115, 119 (9th Cir. 1988); see also Appling, 340 F.3d at 780; Dixon v. C.I.R., 316 F.3d. 1041, 1046 (9th Cir. 2003). In support of petitioner's request for relief, opposing counsel Evitt knew that Magistrate Judge Eick was associate with MSK LLP, relating to possible bribery and fraud on the court, cited in case law: Latshaw v. Trainer Wortham& Co., Inc 452 F.3d 1097, 1102 (9th Cir. 2006); Appling v. State Farm Mut. Auto Ins. & Co, 340 F.3d 769, 780 (9th Cir. 2003); Baltia Air Lines, Inc. v. Trans Management, Inc, Appellee, 98 F. 3d 640 (D.C. Cir. 1996); Also see Hazel-Atlas Glass, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed 1250 (1944); Rules 60 b, 60 b3, 60 b 6.

Magistrate Eick failed to discuss in his recusal order, MSK LLP (Mitchell Silberberg & KNUPP LLP) attorney and his friend, Attorney Karin Pagnanelli, was his law clerk. The court omitted evidence that attorney Karin Pagnanelli, was his law clerk, adds to fraud on the court. The court failed to disqualify opposing counsel Evitt of MSK LPP, between July 2-6, 2019, prior to submitting his recusal order. See 28 U.S.C. Section 455 a, b1, b2, b3, b4. Also see Accord Stringer v. United States, 233 F.2d 947, 948 (9th Cir. 1956); Liljeberg v. Health Svcs. Acq. Corp., 486 U.S. 847 (1988); Preston v. U.S., 923 F.2d 731; In re Cement and Concrete Antitrust Litigation, 515 F.Supp. 1076, 1079 (D.Ariz.1981).

Attorney Linda Burrow is employed at Netflix. Ms. Burrow was involved with petitioner's case before Judges Stephen V. Wilson and Klausner. Attorney Burrow clerked for Judge Wilson. The court and parties failed to

disclose the serious conflict of interest. See David L. Whitehead v. Millennium Films, et al, (2:15-cv-03564).

Netflix Senior Counsel Suzanne Steinke was also employed for MSK LLP, and during the reassignment of petitioner's case from Judges Snyder to Klausner to Walter and Magistrate Eick, Attorney Evitt of MSK LLP entered her appearance, which leads to fraud on the court during discovery phase of this civil action case. Judge Klausner's recusal matter and reassignment to Judge Walter with conflicts interfere in the integrity of the judicial process and court. Judges Klausner and Walter recused themselves in related case in re: Optimum Productions, et al., v. HOME BOX OFFICE, et al, 2:19-cv-01862. ONCE JUDGE KLAUSNER RECUSED IN WHITEHEAD V. NETFLIX, ET AL., REASSIGNED TO JUDGE WALTER, ACTIVATED SERIOUS CONFLICTS OF INTEREST VIOLATING FEDERAL STATUTES. Judge Walter recused himself in re: Optimum Productions, et al., v. HOME BOX OFFICE, reassigned to Judge Klausner; and Judge Klausner recused himself in Whitehead v. Netflix, et al, 2:19-CV-05500, reassigned to Judge Walter. The FBI report will certainly show that Judge Klausner held Hollywood financial stocks in petitioner's earlier action and in this case. Both Judge Klausner and Walter knew of each others financial conflicts of interest, and the court had prior knowledge of petitioner's civil action cases, which disqualifies the jurists in these matters. See Liteky v. US, 510 U.S. 540 (1994); Toscano, 441 F.2d at 934, quoting England v. Doyle, 281 F.2d 304, 309 (9th Cir. 1960).

In short, Petitioner had right to sue over Judge Klausner's fraud on court. US v. Beggerly, 1998. The misconduct and misrepresentation by parties and court occurred during discovery process, which points to added fraud. See Accord Stringer v. United States, 233 F.2d 947, 948 (9th Cir. 1956); See Luttrell, 644 F.2d at 1274, 1276 (9th Cir. 1980)(60 b); Latshaw v. Trainer Wortham& Co. Inc, 452 F.3d 1097 1102 (9th Cir. 2006); Appling v. State Farm

Mut. Auto Ins. Co, 340 F.3d 769, 780 (9th Cir. 2003); Baltia Air Lines, Inc., Appellant, v. Transaction Management, Inc., Appellee, 98 F.3d 640 (D.C. Cir. 1996); Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244, 64 S.Ct. 997, 88 L.Ed. 1250 (1944). Rules 60 b, 60 b 3, and 60 b6; Accord Stringer v. United States, 233 F.2d 947, 948 (9th Cir. 1956); Preston v. U.S. 923 F.2d 731; General Universal Systems v. Lee 379 F.3d 131 (5th Cir. 2004).

In short, District Court Judge abused his discretion and erred striking Magistrate Judge's recusal order, and his pecuniary interest in Document number 146. "Clear legal error is necessary, for granting the Writ of Mandamus, which contradicts wrongly decided decision of 9th Circuit Court. "Satisfying the third Bauman factor-clear errors is necessary..." See in re: Henson, 869 F.3d 1052, 1058 (9th Cir. 2017).

In totality of impropriety, judges in the district court and circuit court have conflicts of interest relating to this case, requiring the high court to grant certiorari, and refer case to the Congress. Further, District Court Judge and Magistrate Judge have pecuniary interest and judicial bias. Judge Walter holds financial interest AT&T, and Magistrate Eick was employed with opposing counsel MSK LLP. 28 U.S.C. 455 a, b1, b2, b3, b4. Further, as stated, Circuit Court judges have conflicts of interest relating to unsealing the Government's investigation. The High Court recently ruled that judges must be impartial. See US v. Sineneng-Smith, 590 U.S. ____ 2020; also see Greenlaw v. United States, 554 U.S. 237 2008.

Conclusion

In conclusion, for the foregoing reasons, Petitioner respectfully prays that the high court grants his petition for Writ of Certiorari and refer the case to the Congress of the United States due to conflicts within the high court involving petitioner's litigation. See appendix decisions of the lower court below.

Respectfully Submitted,

/S/

David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

Date: June 8, 2019

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 21 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID LOUIS WHITEHEAD,

No. 19-55905

Plaintiff-Appellant,

D.C. No.
2:19-cv-05500-JFW-RAO
Central District of California,
Los Angeles

v.

NETFLIX, INC.; et al.,

ORDER

Defendants-Appellees.

Before: SILVERMAN and RAWLINSON, Circuit Judges.

The motion for an injunction is denied (Docket Entry No. 14).

The motion to file a supplemental opening brief is granted (Docket Entry No. 16). The Clerk shall file the supplemental opening brief (Docket Entry No. 15).

The answering brief is due December 2, 2019. The optional reply brief is due within 21 days after service of the answering brief.

APP(B)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 12 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID LOUIS WHITEHEAD,

Plaintiff-Appellant,

v.

NETFLIX, INC.; et al.,

Defendants-Appellees.

No. 19-55905

D.C. No.

2:19-cv-05500-JFW-RAO

Central District of California,
Los Angeles

ORDER

Before: SILVERMAN and RAWLINSON, Circuit Judges.

Appellant's motion to file an untimely motion for reconsideration (Docket Entry No. 27) is granted.

The motion for reconsideration en banc (Docket Entry No. 28) is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

Briefing is complete.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

App (c)

Case No. **CV 19-5500-JFW(RAOx)**

Date: July 19, 2019

Title: David Louis Whitehead -v- Netflix Inc., et al.

PRESENT: **HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: **None** **ATTORNEYS PRESENT FOR DEFENDANTS:** **None**

PROCEEDINGS (IN CHAMBERS): ORDER DISMISSING ACTION WITH PREJUDICE

On June 24, 2019, this action was transferred from the Eastern District of Texas to the Central District of California. However, within this district, Plaintiff David Louis Whitehead ("Plaintiff") is subject to a Vexatious Litigant Prefiling Order (see *David L. Whitehead v. Millennium Films*, 15-CV-3564-RGK(AGR), Docket No. 229). Pursuant to that Order, "the Clerk of the Court shall decline any new complaint or petition submitted by David L. Whitehead in this District unless the complaint or petition has been presented first to a district judge of this court and the judge has specifically authorized in writing that the complaint or petition may be filed." The Court has reviewed Plaintiff's Complaint, First Amended Complaint, and Second Amended Complaint, and concludes that this action is frivolous. In addition, the Court has reviewed the applications and motions filed by Plaintiff in this action to date, and concludes that Plaintiff has pursued the same vexatious and harassing and abusive practices that resulted in the Vexatious Litigant Prefiling Order in the first place. Accordingly, this action is **DISMISSED with prejudice** pursuant to the Vexatious Litigant Prefiling Order.

IT IS SO ORDERED.

Ex 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OPTIMUM PRODUCTIONS, et al.	CASE NUMBER
	CV 19-1862-JFW (PJWx)
PLAINTIFF(S)/PETITIONER(S) v. HOME BOX OFFICE, et al.	ORDER TO REASSIGN CASE DUE TO SELF-RECUSAL PURSUANT TO GENERAL ORDER 19-03
DEFENDANT(S)/RESPONDENTS(S)	

The undersigned Judge, to whom the above-entitled case was assigned, is hereby of the opinion that he or she should not preside over said case, by reason of (*please use additional sheets if necessary*):

The undersigned holds a financial interest in AT&T, Inc.

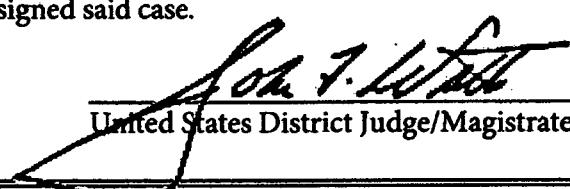
IT IS HEREBY ORDERED that this case be reassigned by the Clerk in accordance with General Order 19-03.

This self-recusal has been Ordered:

- within 120 days of the Court being assigned said case.
 after 120 days of the Court being assigned said case.

March 20, 2019

Date


United States District Judge/Magistrate Judge

NOTICE TO COUNSEL FROM CLERK

This case has been reassigned to Judge R. Gary Klausner. On all documents subsequently filed in this case, please substitute the initials RGK after the case number in place of the initials of the prior judge so that the case number will read: 2:19-cv-01862 RGK(PJWx).

This is very important because documents are routed to the assigned judge by means of the initials.

cc: Previous Judge Statistics Clerk

EX 2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID LOUIS WHITEHEAD,

CASE NUMBER

2:19-cv-5500-JFW(Ex)

NETFLIX INC., et al.,

v.

PLAINTIFF(S)

DEFENDANT(S).

ORDER TO REASSIGN CASE UPON
RECUSAL OF MAGISTRATE JUDGE

FOR DISCOVERY

PER GENERAL ORDER 05-07

The undersigned Magistrate Judge to whom the above-entitled case was referred, being of the opinion that he/she should not hear said case by reason of:

the fact that he previously was a partner of Mitchell, Silberberg & Knupp, counsel for Defendants, and he maintains a close friendship with Karin Paganelli, who is a partner of that firm,

HEREBY ORDERS the case reassigned by the Clerk in accordance with General Order 05-07.

7/8/19
Date



United States Magistrate Judge

NOTICE TO COUNSEL FROM THE CLERK

This case has been randomly referred to Magistrate Judge Rozella A. Oliver

On all documents subsequently filed in this case, please substitute the initials RAO after the case number in place of the initials of the prior judge, so that the case number will read 2:19-cv-05500 JFW(RAOx). This is very important because the documents are routed to the assigned judges by means of these initials

cc: Previous Magistrate Judge

**Additional material
from this filing is
available in the
Clerk's Office.**